

TTAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

National Football League and)	Opposition No: 91157365
NFL Properties,)	Serial No. 76/043,616
Opposers,)	Mark: NFLI
v.)	
)	International Class: 005 and 030
Nutrition For Life International, Inc.,)	Services
Applicant.)	Published: March 5, 2002
)	
)	
)	Attorney Docket:

BOX TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



09-26-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES
TO NOTICE OF OPPOSITION**

Applicant, NUTRITION FOR LIFE INTERNATIONAL, INC., through its attorneys, Weaver & Amin, hereby submits its Answer and Affirmative Defenses to the Notice of Opposition, as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 1, 2, 3, 4, 5, 6, and 7 of the Notice of Opposition, and accordingly denies the same.
2. Applicant admits the allegations of paragraph 8 of the Notice of Opposition.
3. Applicant denies the allegations of paragraphs 9, 10, 11 and 12 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Applicant's trademark is manifestly distinct from any alleged mark of the Opposers, thus likelihood of confusion will never occur.
2. There is no likelihood of confusion, mistake or deception because Applicant's mark and Opposers' mark are not confusingly similar.
3. There is no likelihood of confusion because Applicant's NFLI mark is not confusingly similar to Opposers' NFL mark in its sound.
4. There is no likelihood of confusion because Applicant's NFLI mark is not confusingly similar to Opposers' NFL mark in its appearance.
5. There is no likelihood of confusion because Applicant's NFLI mark is not confusingly similar to Opposers' NFL mark in its meaning.
6. There is no likelihood of confusion because Applicant's NFLI mark is not confusingly similar to Opposers' NFL mark in appearance of advertising, promotional material and packaging.
7. There is no likelihood of confusion because Applicant's and Opposers' distinct and unique design elements prominently appear on material bearing the marks which are significantly different.

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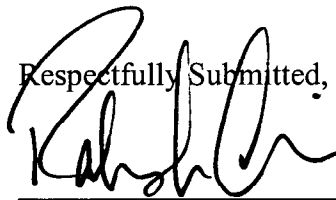
8. There is no likelihood of confusion because Applicant's and Opposers' distinct house marks or company names prominently appear on material bearing the marks which are significantly different.
9. There is an absence of likely confusion because the marks at issue create a completely different commercial connotation and impression.
10. There is no likelihood of confusion because of significant differences in Applicant's and Opposers' nature of goods and services, in the channels of commerce used for these goods and services, in the advertising media used for the goods and services, and in the quality and price of the goods and services.
11. Actual confusion regarding the marks at issue has never occurred.
12. Applicant adopted and used its "NFLI" mark in good faith and never with an intent to deceive or confuse and Applicant has only made "fair use" of its mark such that no likelihood of confusion will occur with Opposers' mark.
13. Opposers are barred from objecting to the Applicant's NFLI mark based on laches, acquiescence and estoppel.
14. Opposers are barred from objecting to Applicant's mark because of Opposers' failure to timely and diligently object to Applicant's prior use of the NFLI mark that Applicant is currently seeking registration for.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

10/06/2003TTAB

Dated: September 23, 2003

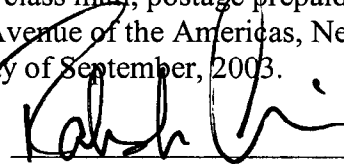
Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was mailed first-class mail, postage prepaid, to Ms. Claudia T. Bogdanos at White & Case LLP, 1155 Avenue of the Americas, New York, NY 10036-2787, attorneys for Opposer, this 23rd day of September, 2003.

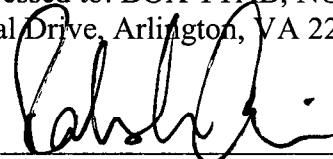


Rakesh M. Amin

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: BOX TTAB, NO FEE, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on September 23, 2003.



Rakesh M. Amin

Attorney for Applicant